

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 17TH NOVEMBER 2010 AT 6.00 P.M.

PRESENT: Councillors Mrs. J. M. L. A. Griffiths (Chairman), Miss D. H. Campbell JP (Vice-Chairman), Mrs. J. M. Boswell, S. R. Colella, G. N. Denaro, Mrs. R. L. Dent, Mrs. A. E. Doyle, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis F.CMI, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, D. L. Pardoe, S. R. Peters, C. R. Scurrall, S. P. Shannon, Mrs. M. A. Sherrey JP, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson

68/10 **PRAYER**

At the request of the Chairman, the Reverend Beverley Robertson opened the meeting with a prayer.

69/10 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A. N. Blagg, Dr. D. W. P. Booth JP, Mrs. M. Bunker, R. J. Deeming, Mrs. J. D. Luck and Mrs C. J. Spencer.

70/10 **MINUTES**

The minutes of the meeting held on 15th September 2010 were submitted.

RESOLVED that the minutes be approved as a correct record, subject to the inclusion of Councillor Mrs. A. E. Doyle in the list of Members who had submitted apologies.

71/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

72/10 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE AND THE CHAIRMAN**

The Head of Paid Service advised Members that the draft Core Strategy would not now be considered at the Extraordinary Meeting of the Council to be held on 1st December 2010 due to the implications of a recent legal case which had challenged the abolition of the Regional Spatial Strategies. However, other business would need to be determined on that date.

Granting an Authorisation	£100 maximum
Sampling (each visit)	£100 maximum
Analysing a sample	
- taken under regulation 10 (small supplies)	£ 25 maximum
- taken during check monitoring	£100 maximum
- taken during audit monitoring	£500 maximum

(ii) **COUNCIL PLAN 2011-14 PART 1**

RESOLVED:

- (a) that the Council's vision and priorities as set out in 6.1 to 6.4 of the appendix to the report be reconfirmed;
- (b) that the analysis of the Council's national, regional and local context as set out in the report be noted; and
- (c) that based on this context, the areas of focus for the forthcoming budget round as set out in 6.5 of the appendix to the report be approved.

(iii) **IMPROVEMENTS TO CHARFORD RECREATION GROUND – SKATE PARK**

RESOLVED:

- (a) that the scheme to enhance play facilities at Charford Recreation Ground, by way of improvement to the existing skate park, be included in the Capital Programme for 2010/2011 and that the scheme be funded from available Section 106 monies; and
- (b) that the work be undertaken prior to the "claw back" point being reached.

(iv) **BROMSGROVE TOWN CENTRE REGENERATION**

RESOLVED:

- (a) that an additional £1,000,000 be included within the 2010/2011 Capital Programme to fund the majority of the upgrading of the Public Realm and resurfacing work in the High Street, with this being financed from the balance of capital receipts arising from the sale of industrial units (£500,000), together with a contribution from Worcestershire County Council from the sale of capital assets within the Town Centre (£500,000);
- (b) that a further sum of £500,000 be included within the 2011/2012 Capital Programme once a final assessment can be made of the monies available from the Section 106 Agreement with Sainsburys;

- (c) that the sum of £5,000 be allocated to the revenue budget from balances in order to extend the Regeneration Programme into 2010/2011;
- (d) that it be noted that a further report will be submitted in due course seeking approval for the final contribution of £500,000 arising from future asset disposals in the Town Centre.

(v) **LOCAL ENTERPRISE PARTNERSHIPS**

RESOLVED:

- (a) that in the light of the Government's decision not to accept the Worcestershire LEP proposal, Bromsgrove District forms part of the Birmingham and Solihull LEP in order to ensure that the business and economic interests of the businesses and residents within the District can be properly and adequately represented in the important early stages of the LEP's development; and
- (b) that it be recognised that the Government's position on membership of LEPs continues to change, particularly in relation to whether a Council can be represented on more than one LEP and in that regard, if at any future date the Worcestershire is accepted then Bromsgrove be similarly represented on the Worcestershire LEP.

75/10 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 8TH SEPTEMBER, 6TH OCTOBER AND 3RD NOVEMBER 2010**

The minutes of the meetings of the Cabinet held on 8th September, 6th October and 3rd November 2010 were received for information.

76/10 **QUESTIONS ON NOTICE**

One question on notice was taken.

Question submitted by Councillor P. M. McDonald to the Chairman

"Would the Chairman agree with me that failing to provide facilities and assistance to those with disabilities at this year's Bonfire Event has brought the Council into disrepute and failed to meet the requirements of the DDA?"

The Chairman referred the question to Councillor G. N. Denaro as the relevant Portfolio Holder to respond.

Councillor Denaro replied that the reason that access was not available at the main entrance (to Sanders Park) was that the road was closed as a result of a risk assessment carried out into wider public safety. This was carried out by the Council and the police and deemed to be necessary in view of the nature of the event. All of these processes were governed in very clear and robust legal duties and related to public safety and he confirmed that these duties had been met. The Council and its officers had worked tirelessly with the disabled community to ensure that service delivery was inclusive and that

community had been involved for some considerable time in the decision-making process. Where issues of accessibility were brought to the Council's attention, it was always a priority to respond and ensure that improvements could be made. The Equality Officer had obtained the contact details of the customer concerned and this direct contact had revealed that the situation was not entirely as had been reported in the press. The customer now understood the reasons for the road closure and the measures in place to support customers with disabilities. The customer also understood the wider safety issues and the balance that needed to be struck to ensure safety for all. The customer had also been pleased to learn of all the other positive areas that existed within the authority to support people with disabilities. The Council had not failed to meet its statutory duties and he hoped this had been properly explained.

Councillor McDonald asked a supplementary question as to why when tickets were sold in conjunction with the Primrose Hospice in the High Street, the answer given to questions asked by residents with regard to facilities for those with disabilities, was that there would be no facilities whatsoever.

Councillor Denaro replied that he would need to consult with the Leisure Department as he did not know if this was true or not and he would report back to Councillor McDonald.

77/10 **MOTION - CAR PARK CHARGES**

The following motion submitted by Councillor Mrs. C. M. McDonald stood deferred from the last meeting of the Council:

"That this Council alters its parking charging regime on the ASDA car park so that you are only charged for time used."

The Chairman advised that a report on car parking charges at the Recreation Road and multi-storey car parks including cost figures would be considered by the Cabinet on 1st December 2010. The Cabinet's recommendations would be considered by the full Council that evening as indicated in the Forward Plan issued that week. Accordingly, she would not take the motion that evening as the matter would be debated at the Council meeting on 1st December 2010.

Councillor P. M. McDonald challenged the ruling of the Chairman on the basis that the motion should be discussed that evening. The Chairman reiterated the position as outlined above. She then put to the meeting that business proceed to agenda item number 10 which was agreed.

78/10 **MOTION - PORTFOLIO HOLDERS**

Members considered the following motion submitted by Councillor P. M. McDonald which stood deferred from the last meeting of the Council:

"That the Leader reduces the number of Portfolio Holders by at least one so reflecting the cutbacks in services and financial restraints."

The motion was moved by Councillor P. M. McDonald and seconded by Councillor C. J. K. Wilson.

An amendment was moved by Councillor R. Hollingworth and seconded by Councillor G. N. Denaro:

“That the Leader considers reducing the number of Portfolio Holders during the forthcoming budget process to reflect the funding cutbacks and financial constraints.”

Councillors P. M. McDonald and C. J. K. Wilson as the mover and seconder of the original motion indicated that they were willing to accept this wording as an alteration to the motion. Following procedural clarification by the Chief Executive, the altered motion was put to the vote.

The Chairman declared the altered motion CARRIED.

79/10 **MOTION - NUMBER OF COUNCILLORS**

Members considered the following motion submitted by Councillor R. Hollingworth:

“This Council asks the CEO to contact the Boundary Commission to establish the process to review the number of Councillors with a view to reducing them.”

The motion was moved by Councillor R. Hollingworth and seconded by Councillor G. N. Denaro.

Having been put to the vote, the Chairman declared the motion to be CARRIED.

80/10 **MOTION - HOT FOOD TAKEAWAY SPD**

Councillor P. M. McDonald referred to the motion he had submitted in relation to a Hot Food Takeaway SPD. He had been informed by the Leader that in light of various changes (in relation to strategic planning) this matter was best referred to the Local Development Framework Working Party. He agreed with that approach.

81/10 **CHANGES TO GOVERNANCE ARRANGEMENTS**

Members considered a report of the Head of Legal, Equalities and Democratic Services on the outcome of the consultation on the “Strong Leader” Model of executive arrangements and the timetable for the necessary changes to be implemented. It was recommended that the Council re-affirm its previously expressed preference for a “Strong Leader” Model.

The recommendations were moved by Councillor G. N. Denaro and seconded by Councillor R. Hollingworth. In doing so, Councillor Denaro drew attention to

minor alterations required to the wording of Appendix 3 and moved the wording as corrected.

An amendment was moved by Councillor P. M. McDonald and seconded by Councillor C. J. K. Wilson that the Council go out for further consultation before arriving at a decision.

The Monitoring Officer advised that the statutory timescales meant there was no further time for consultation and that a decision was required by the end of December 2010. She reminded Members that they had previously agreed what form the consultation should take and advised that the Department for Communities and Local Government concurred with the level of consultation undertaken. The Council's approach was not inconsistent with other authorities and neither was the response.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the amendment were recorded.

For the amendment: Councillors Mrs. A. E. Doyle, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, D. L. Pardoe, S. R. Peters, S. P. Shannon, L. J. Turner and C. J. K. Wilson (11);

Against the motion: Councillors Mrs. J. M. Boswell, Miss D. H. Campbell, S. R. Colella, G. N. Denaro, Mrs. R. L. Dent, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, C. R. Scurrall, Mrs. M. A. Sherrey JP, R. D. Smith, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (19).

Accordingly, the Chairman declared the amendment to be LOST.

The report recommendations (as altered at Appendix 3) were then put to the vote as the substantive motion, whereupon it was

RESOLVED:

- (a) that the Council notes the responses to the consultation as referred to in Appendix 2 of the report;
- (b) that the Council notes the next stage is for "proposals" to be published and then by implemented by resolution at the meeting of the full Council on 1st December 2010; and
- (c) that the Council agree the draft "proposals" based on the "Strong Leader" model set out in the Appendix 3 to the report (as altered to read as shown below) and that these be published:

- "1. The Constitution be amended as shown in Schedule 1.
2. That the Strong Leader model be implemented from 08 May 2011.
3. As a transitional arrangement, from 08 May 2011 until 18 May 2011 (or such other date on which the Council Annual Meeting for 2011 takes place, the current Leader should continue in office".

82/10 **REPORT ON URGENT ACTION - ENERGY EFFICIENT MEASURES - INTEREST FREE LOANS**

Members considered a report of the Director of Policy, Performance and Partnerships on urgent action which had been taken to apply for an interest free loan to install energy efficient measures to help meet the Council's CO2 emissions reduction target. The application had been successful.

Having been moved by Councillor P. J. Whittaker and seconded by Councillor R. Hollingworth, it was

RESOLVED:

- (a) that the urgent decision to apply for an interest free loan from Salix in the sum of £37,200 to fund energy efficiency measures within Council buildings, in the terms detailed in the report, be noted;
- (b) that the Council note the urgent decision (if the loan was granted by Salix) for the Council to set aside a budget for repayment of the loan, based on savings made on energy bills as a result of the installation of energy efficiency measures.

The meeting closed at 7.33 p.m.

Chairman